

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 31 OCT 2005

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| Applicant's or agent's file reference 107109WO | FOR FURTHER ACTION | See Form PCT/IPEA/416 WIPO PCT/IPEA/416 PCT |
| International application No. PCT/NZ2004/000298 | International filing date (<i>day/month/year</i>) 24 November 2004 | Priority date (<i>day/month/year</i>) 24 November 2003 |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ B65D 041/62 | | |
| <p>Applicant WORLD WIDE WINE LIMITED et al</p> | | |

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|--|---|-------------------------------------|-------------------------------|--------------------------|---------------------|--------------------------|--|--------------------------|---------------------------------------|-------------------------------------|---|--------------------------|------------------------------------|--------------------------|--|--------------------------|--|
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 3 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 5 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | | | | | | | | | | | | | | | |
| <p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 85%;">Box No. I Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table> | | <input checked="" type="checkbox"/> | Box No. I Basis of the report | <input type="checkbox"/> | Box No. II Priority | <input type="checkbox"/> | Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI Certain documents cited | <input type="checkbox"/> | Box No. VII Certain defects in the international application | <input type="checkbox"/> | Box No. VIII Certain observations on the international application |
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| <input type="checkbox"/> | Box No. IV Lack of unity of invention | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | |
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| <input type="checkbox"/> | Box No. VIII Certain observations on the international application | | | | | | | | | | | | | | | | |

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| Date of submission of the demand 22 June 2005 | Date of completion of the report 21 October 2005 |
| Name and mailing address of the IPBA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | Authorized Officer BEN TUOHY Telephone No. (02) 6283 7918 |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/NZ2004/000298

Box No. I Basis of the report

With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

- international search (under Rules 12.3 and 23.1 (b))
- publication of the international application (under Rule 12.4)
- international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:

pages 4 - 8 as originally filed/furnished

pages* 1 - 3 received by this Authority on 22 June 2005 with the letter of 21 June 2005

pages* received by this Authority on with the letter of

the claims:

pages as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* 9, 10 received by this Authority on 22 June 2005 with the letter of 21 June 2005

pages* received by this Authority on with the letter of

the drawings:

pages 1/1 as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages

the claims, Nos.

the drawings, sheets/figs

the sequence listing (*specify*):

any table(s) related to the sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages

the claims, Nos.

the drawings, sheets/figs

the sequence listing (*specify*):

any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/NZ2004/000298

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|---------------|-----|
| Novelty (N) | Claims 1 – 11 | YES |
| | Claims None | NO |
| Inventive step (IS) | Claims 1 – 11 | YES |
| | Claims None | NO |
| Industrial applicability (IA) | Claims 1 – 11 | YES |
| | Claims None | NO |

2. Citations and explanations (Rule 70.7)**Documents cited for the purpose of compiling this report:**

(D1) WO 2003/054837 A1 (COLLOTYPE LABELS PTY LTD et al.) 3 July 2003

See figures 1 – 3 and pages 4 and 5;

(D2) US 6332631 B1 (KIRK) 25 December 2001

See figures 13 – 15 and columns 6 and 7;

(D3) AU 200143896 A1 (CLASSIC PACKAGING PTY LTD) 22 November 2001

See whole document; and

(D4) US 5924739 A (GARBUTT) 20 July 1999

See figures 4 – 7 and columns 4 and 5.

NOVELTY (N) and INVENTIVE STEP (IS) claims 1 – 11

Claims 1 – 11 are novel and involve an inventive step in light of the cited prior art documents, D1 – D4, that do not disclose, either alone or in obvious combination, all of the features defined in the claims. In particular none of the cited prior art documents disclose a bottle capsule so arranged to permit separation of a tag from the capsule to form two disconnected sections, the section forming the tag, retaining the information wherein the length of the tag may be greater than the largest circumference swept out by the capsule when fitted to the bottle.

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IMPROVEMENTS TO BOTTLE CAPSULES AND/OR BOTTLE LABELS

TECHNICAL FIELD OF THE INVENTION

The present invention relates to improvements to bottle capsules, in particular but not exclusively to improvements to bottle capsules used on wine bottles.

5 BACKGROUND ART KNOWN TO THE APPLICANT

The metal or plastics "capsule" or cover that wraps around the business end of a wine or champagne bottle was originally designed to protect a cork from the actions of burrowing insects and mice that would normally have been found in a wine cellar. Originally the capsule was made of lead foil but safety fears about lead itself meant that by the 1990s, this metal was

10 no longer used.

The cost of using or otherwise developing other metals or metal alloys for the same purpose prompted the development of capsules made from other materials which in turn, has lead to the development and wide spread use of the present day coloured (or indeed clear) plastics capsules whose function is now generally regarded as purely decorative.

15 In modern wine bottles, only the head of the capsule is routinely removed and thrown away. This is carried out by cutting the capsule head with a blade (usually by running the blade around the neck of the bottle) and then levering off the head with the blade to expose the cork.

It is often the case that individuals drinking champagne or wine (especially if they have enjoyed it) want to recall the name of the bottle for future reference. Unfortunately, unless someone has
20 the presence of mind to write down the relevant details of the bottle somewhere and to then keep the details safe, until they are required, this information is usually lost with the passage of time. Steaming off the entire wine label is impractical.

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Usually, this problem is solved by ripping off the wine or champagne bottle label or keeping the cork. However, these solutions are themselves fraught with difficulties as the labels tend to be very well glued to the bottle, making their removal very difficult and the corks are usually too bulky to be kept for long periods.

- 5 It is an object of the present invention to attempt to alleviate this problem or to at least provide the public with a useful choice and whilst the present invention is embodied in several different aspects, it will be clear from this broad background review that each of the separate aspects are so linked as to form part of the same inventive concept

STATEMENTS OF THE INVENTION

- 10 According to the present invention in its broadest aspect, there is provided a bottle capsule incorporating a tag containing information, wherein the tag and capsule are so arranged as to permit separation of the tag from the capsule to form two disconnected sections, the section forming the tag retaining the information.

- According to a second aspect of the present invention, there is provided a bottle capsule
15 incorporating a tag wherein information associated for example, with the contents (or a vendor thereof) of a bottle that the capsule is to be fitted, is applied, wherein the tag and capsule are so arranged as to permit separation of the tag from the capsule to form two disconnected sections, the section forming the tag, retaining the information.

- This tends to alleviate the problem as outlined above as the tag is designed to be easily
20 separable from the rest of the capsule and the tag once removed is discreet and may be contained in a wallet until required later. Such an arrangement could also aid in the displacement or removal of at least a portion of the capsule from a bottle that the capsule that has been fitted, once the disconnected sections have been formed.

- Furthermore, in respect of the bottle capsule, for the purposes of hygiene and to serve as
25 evidence of tampering, the bottle capsule of the present invention when applied to a bottle either

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as the bottle capsule for the bottle or as a bottle capsule that overlies an existing bottle capsule (conventional or otherwise) could serve as a tamper proof device for the bottle. If it were to be used in this manner it could be in the form of a clear plastics bottle capsule, especially if were to overlie an existing bottle capsule that had already been pre-applied to a bottle.

- 5 The tag (or information containing section) may contain the following information, the name of a wine, if the bottle contents are a wine, a website address for more information, and/or a telephone number about the bottle contents or about one or more of the vendors of the bottle or its contents. The information contained on the tag may also relate to something totally unrelated to the bottle contents or a vendor thereof.
- 10 For example, a third party may wish to promote some aspect of *their* company on the tag and arrange with one of the vendors for this to occur. Alternatively, the tag may simply contain, a text number or letter code that if tapped in on a mobile phone and sent, will be received by an SMS key word/number server, that will then automatically re-send to that mobile phone, full details of the wine , as an example, as well as details of a competition to enter.
- 15 The information may be located on the exposed exterior surface of the tag so that it can be seen at all times, or it can be located on the opposing surface of the tag and only seen once the tag has been separated from the rest of the capsule. Alternatively, rather like a "stick of rock", the

CLAIMS

1. A bottle capsule incorporating a tag whercon information associated for example, with the contents (or a vendor thereof) of a bottle that the capsule is to be fitted, is applied, the tag and capsulc are so arranged as to permit separation of the tag from the capsule to form two disconnected sections, the section forming the tag, retaining the information whercon the length of the tag may be greater than the largest circumference swept out by the capsule when fitted to the bottle.
2. A bottle capsule as claimed in claim 1, wherein the tag incorporates a material containing pre-printed matter.
- 10 3. A bottle capsule as claimed in claim 2, wherein material contains pre printed matter in the form of a text message.
4. A bottle capsulc as claimed in any preceding claim, wherein the tag is integrally formed or integrally assembled with the capsulc.
- 15 5. A bottle capsule as claimed in any preceding claim, wherein the arrangement to separate the tag from the remainder of the capsulc is through the use of a number of frangible sections, wherein a number of additional frangible sections not parallel with the tag-capsule frangible sections also exist to aid the complete removal of the capsule from a bottle to which the capsule has been fitted.
- 20 6. A bottle capsulc as claimed in any preceding claim, wherein the tag is formed from at least the same material as the capsulc.
7. A bottle capsule as claimed in any preceding claim, wherein removal of the tag results in the automatic removal of the entire capsule from a bottle that the capsule has been fitted to.

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8. A bottle capsule as claimed in any preceding claim, wherein the tag when the bottle capsule is fitted to a bottle, is located above the bottle flange.
9. A bottle capsule substantially as herein described with reference to and as illustrated in figure 1 of the accompanying drawing.
- 5 10. A bottle incorporating a bottle capsule as claimed in any preceding claim.
11. A method of applying information to a bottle capsule of the type herein described comprising the steps of:
 - 1) applying the information onto a material capable of accepting a number of inks;
 - 2) fitting the material to a tag of a bottle capsule and;
 - 10 3) fitting the bottle capsule to a bottle.

ABSTRACT

Individuals drinking champagne or wine may want to recall the name of the bottle for future reference. Unfortunately, unless someone has the presence of mind to write down the relevant details of the bottle somewhere and to then keep the details safe, until required, this information is usually lost with the passage of time. Steaming off the entire wine label is impractical.

5 Usually, this problem is solved by ripping off the wine or champagne bottle label or keeping the cork. However, these solutions are impractical. This problem is solved by providing a bottle capsule or label incorporating a tag containing information, wherein the tag and capsule/label

10 are so arranged as to permit separation of the tag from the capsule/label to form two disconnected sections, the section forming the tag retaining the information.

Fig 1

15